



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,039	03/18/2004	Tadayuki Sugimoto	09473.0001	5617
22852	7590	06/24/2010		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER PARK, CHAN S	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 06/24/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/803,039

**Applicant(s)**

SUGIMOTO, TADAYUKI

**Examiner**

CHAN S. PARK

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2010.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 13-18, 25-30, 37-39, 41-44 and 46-55 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1-6, 13-18, 25-30, 37-39, 41-44 and 46-49 is/are allowed.  
6) ☒ Claim(s) 50 and 53-55 is/are rejected.  
7) ☒ Claim(s) 51, 52 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 4/8/10 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 50 and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al. U.S. Patent No. 6,661,531 (hereinafter Murphy) in view of Iwami et al. U.S. Patent Application Publication No. 2004/0070672 (hereinafter Iwami) and further in view of Gotoh et al. U.S. Patent No. 6,709,176 (hereinafter Gotoh) and further in view of Meisner et al. U.S. Patent No. 6,862,102 (hereinafter Meisner).

**With respect to claim 50**, Murphy discloses an image forming device (printer 14 in fig. 1) for forming an image from image data transferred from a image data storage

device (host computer 12 having a memory unit 18 in fig. 1) via an external interface (interface connecting the PC and the printer in fig. 1 & col. 4, line 50) that can be connected to said image data storage device, comprising:

a data size acquiring unit that acquires data size of said image data, for which an image is formed, from said image data storage device (data size sent by the PC in col. 4, lines 33-38 & lines 54-56); and

a calculating unit for calculating transfer completion time required for transferring said image data, for which said image is formed, based on said data size of the image data acquired by said data size acquiring unit (the amount of data to be received in col. 4, lines 54-56) and a speed of transferring data (estimate data rate in col. 4, lines 40-53) via said external interface (printer calculating the data transfer time in col. 4, lines 54-56).

Murphy, however, does not explicitly disclose that the image data storage device is a portable image data storage device.

Iwami discloses a printer for directly receiving print data from a portable image data storage device such as a digital camera via external interfaces (fig. 5 & paragraph 51).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the image forming device to receive the image data from the digital camera as taught by Iwami.

The suggestion/motivation for doing so would have been to provide a direct communication between the printer and the digital camera for printing images without a host computer (paragraph 6 of Iwami).

The combination, however, does not explicitly disclose a transfer completion time notifying unit for notifying the calculated transfer completion time to a user.

Gotoh, the same field of endeavor of the printing network, discloses a display unit for displaying the time required to process a print job (figs. 3 & 12).

Furthermore, Meisner discloses a method of displaying an estimated download time for downloading an image (col. 8, lines 12-13).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the printing system of Murphy to include a display unit (as taught by Gotoh) for displaying an estimated download time (as taught by Meisner).

The suggestion/motivation for doing so would have been to inform the user how long it will take to download/transfer the image data from host.

Therefore, it would have been obvious to combine four references to obtain the invention as specified in claim 50.

**With respect to claim 53**, Murphy discloses the image forming device wherein the calculation unit calculates an output completion time required for image forming output of the image data, for which said image is formed (calculating print process time in col. 5, lines 25-33).

**With respect to claim 54**, Murphy discloses the image forming device further comprising: an output setup information receiving unit for receiving output setup

information to be set up concerning image forming output condition (unit for receiving user selection of quality settings in col. 5, lines 54-56).

**With respect to claim 55**, Murphy discloses the image forming device but it does not explicitly disclose a cancellation capability notifying unit for notifying that it is possible to cancel a connection with said image data storage device before the image forming output is completed for said image data, for which an image is formed, after the transfer is completed for said image data, for which an image is formed.

Iwami discloses a cancellation capability notifying unit for notifying that it is possible to cancel a connection with said image data storage device before the image forming output is completed for said image data, for which an image is formed, after the transfer is completed for said image data, for which an image is formed (unit for sending the JobDataDone command for notifying that all job data have been received to the digital camera in paragraph 61 & fig. 13). At the time of the invention, it would have been obvious to one of ordinary skill in the art that this command is a notification to the digital camera that it is possible to cancel the connection between the two devices since it directly causes the digital camera to inform the user to disconnect the connection.

Furthermore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the image forming device of Murphy to include the cancellation capability notifying unit as taught by Iwami.

The suggestion/motivation for doing so would have been to inform the user before the completion of a print process of a digital image that the connection can be disconnected (paragraph 4 of Iwami).

***Allowable Subject Matter***

3. **Claims 1-6, 13-18, 25-30, 37-39, 41-44 and 46-49** are allowed.
4. **Claims 51 and 52** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571)272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAN S PARK/  
Primary Examiner, Art Unit 2625

June 18, 2010